

Application No. 09/635,011
Response to Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application is respectfully requested.

Claims 1-3, 5, 10-13 and 15-22 were again rejected under 35 USC 103 as being obvious in view of the combination of USP 6,370,568 ("Garfinkle") and UPS 6,535,243 ("Tullis"); and claims 4, 9 and 14 were again rejected under 35 USC 103 as being obvious in view of the combination of Garfinkle, Tullis, and USP 6,434,403 ("Ausems et al"). These rejections, however, are again respectfully traversed.

On page 2 of the Office Action, the Examiner acknowledges that Garfinkle fails to disclose means for detecting a current position of the communication device, and transmission means for attaching image information corresponding to the current position detected by the detecting means to the electronic mail and transmitting the electronic mail with the image information attached thereto, as according to the claimed present invention. For this reason, the Examiner has again cited Tullis to supply the missing teachings of Garfinkle.

It is again respectfully submitted, however, that Tullis does not disclose, teach or suggest the feature of the present invention as recited in claim 1, 6 and 11 whereby the transmission means attaches image information corresponding to the current position detected by the detecting means to the

Application No. 09/635,011
Response to Office Action

Customer No. 01933

electronic mail and transmits the electronic mail with the image information attached thereto.

According to the present invention as recited in claims 1, 6 and 11, a communication terminal is provided which creates electronic mail. The communication device detects a current position of the communication device. The transmission means then attaches image information corresponding to the current position detected by the detecting means to the electronic mail. That is, the communication device determines its position, by for example, communicating with a cell station, and then attaches an electronic stamp image which corresponds to the detected position to the electronic mail (see page 5, line 11 to page 13, line 11 of the specification).

The Examiner asserts that Tullis discloses the claimed features of the detecting means and transmission means at column 3, lines 19-29 and at column 7, line 7 to column 8, line 22. It is respectfully submitted however that Tullis merely discloses a method of quickly performing extensive image processing on a captured image by transmitting the captured image to a host computer for image processing and then transmitting the processed image back to the camera for display on the camera display device. In fact, it is respectfully submitted that Tullis merely discloses at column 3, lines 26-31 that GPS data concerning the camera position corresponding to images captured

Application No. 09/635,011
Response to Office Action

Customer No. 01933

by the camera is stored to allow previously captured images having similar attributes to be displayed. That is, Tullis merely discloses that GPS may be a search parameter that allows the host computer and camera display to work together to display images corresponding to similar GPS data (column 7, lines 52-65). Thus, even though Tullis does disclose detecting GPS information, it is respectfully submitted that the detected GPS information is merely an image search parameter and does not at all correspond to the feature of the present invention whereby image information corresponding to the detected current position information is attached to electronic mail.

The Examiner contends that Tullis discloses that the current position information is image information at column 4, line 52 through column 53 [sic 5] line 40. It is respectfully submitted, however, that this section of Tullis merely describes the features of the camera 40; and it is respectfully submitted that Tullis cannot logically be interpreted to disclose that the current position information is image information merely because Tullis discloses a camera. In fact, as pointed out hereinabove, Tullis explicitly describes that the current image information is GPS information.

Indeed, it is respectfully submitted that the Examiner has recognized that the current position information of Tullis is merely GPS information on page 3 of the Office Action. On page 3

Application No. 09/635,011
Response to Office Action

Customer No. 01933

of the Office Action, the Examiner contends that it would have been obvious to combine the teaching of Garfinkle with Tullis "in order to provide the captured image, along with the appropriate GPS attributes and electronically mailed [sic] to another individual" (emphasis added). Thus, it is respectfully submitted that according to Tullis, the current position (GPS) information and image information are separate; that is, according to Tullis the current position information is not image information. In this connection, it is respectfully pointed out that Tullis discloses capturing GPS information and capturing image information, but does not disclose, teach or suggest transmission means for attaching image information corresponding to the current position detected by the detecting means to the electronic mail and transmitting the electronic mail with the image information attached thereto, in the manner of the present invention as recited in independent claims 1, 6 and 11.

In view of the foregoing, it is respectfully submitted that independent claims 1, 6 and 11, and claims 2-5, 7-10 and 12-22 depending therefrom, patentably distinguish over Tullis, Garfinkle and Ausems et al, taken singly or in any combination under 35 USC 103.

* * * * *

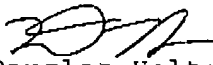
Allowance of the claims and the passing of this application to issue are respectfully solicited.

Application No. 09/635,011
Response to Office Action

Customer No. 01933

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

DH:iv/db
encs.